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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,129	11/10/2000	Yoshitaka Ukita	450100-02839	4620
20999	7590	07/01/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	16

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,129

Applicant(s)

UKITA ET AL.

Examiner

Tuan A Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-14, 16-26 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar et al. (5,802,467) in view of Grundvig et al. (6,061,435) and further in view of Mershon (6,212,282).

Regarding claim 1, Salazar discloses a wireless and wired communications, command, control and sensing system 1 (See figs. 1a, 1b) including a handset device 10 and a base station 25 for two way communication of sound, voice, and data to perform telephone communication, remote command and control of appliances and/or apparatus, remote monitoring, intercom and paging operations, and security functions utilizing both radio and infrared frequencies (See col. 6 lines 31-38) wherein the handset device 10 has a connection means to execute a connecting process for enabling transmission and reception of an information signal to and from a home appliance remote-controllable by radio communication (See figs. 1a, 1b and Abstract, col. 4 line 44 to col. 5 line 9). However, Salazar does not mention that the handset device comprises a control means for generating, upon arrival of an incoming call, a remote control signal to the home appliance; and a radio communication means for sending the

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remote control signal to the home appliance by the radio communication, wherein the home appliance supports audio transmission or reception by the radio communication and further supports audio transmission or reception between the home appliance and a third device by way of the radio communication, and whereby the third device is operable to control the home appliance by way of the radio communication. Grundvig teaches a cordless telephone system wherein the cordless telephone comprises a control means for generating, upon arrival of an incoming call, a remote control signal to the home appliance; and a communication means for sending the remote control signal to the home appliance by an infrared link (See fig. 1 and Abstract, col. 3 lines 20-24, col. 5 lines 35-58). Since both Salazar and Grundvig disclose or teach a telephone system wherein a handset is capable of remotely controlling the home appliance, Grundvig also suggest to use other links for sending the remote control signal to the home appliance, and home appliances such as audio system that support audio transmission or reception by the radio communication and further supports audio transmission or reception between the home appliance and a third device by way of the radio communication, and whereby the third device is operable to control the home appliance by way of the radio communication, as shown by Mershon (See figs. 1-3 and col. 1 line 60 to col. 2 line 34, col. 2 line 66 to col. 3 line 60), are known in the art; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the home appliances with those capable of supporting audio RF transmission or reception as shown by Mershon, and to apply the teachings of Grundvig in modifying the handset device as disclosed by Salazar by adding a control means for

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generating, upon arrival of an incoming call, a remote control signal to the home appliance; and a communication means for sending the remote control signal to the home appliance for the advantage of allowing the user to simultaneously receive and answer the incoming calls, and to be able to control the home appliance as the user's intention as well as providing mobility to the user and eliminating wires/cables installation.

Claim 14 is rejected for the same reasons as set forth in claim 1, as method.

Claims 13 and 26 are rejected for the same reasons as set forth in claim 1.

Regarding claims 3 and 10, Salazar & Grundvig & Mershon disclose as cited in claim 1. Grundvig further discloses the control signal serves to stop the audio output of the home appliance under control, wherein the control for stopping the audio output is a sound mute function (See col. 5 lines 35-58).

Claims 16 and 23 are rejected for the same reasons as set forth in claims 3 and 10, as method.

Claims 28 and 35 are rejected for the same reasons as set forth in claims 3 and 10.

Regarding claim 9, Salazar & Grundvig & Mershon disclose as cited in claim 3. However, they do not mention that the control for stopping the audio output is a function to pause the playing operation. Stopping audio output by pausing the playing operation is well known in the art, therefore it would be obvious to person skilled in the art to modify the handset, as disclosed by Salazar & Grundvig & Mershon, to pause the

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playing operation to stop audio output for the advantage of expanding the capability of the handset to various control functions.

Claim 22 is rejected for the same reasons as set forth in claim 9, as method.

Claim 34 is rejected for the same reasons as set forth in claim 9.

Regarding claims 11, Salazar & Grundvig & Mershon disclose as cited in claim 3. Grundvig further discloses the remote control signal further serves to execute another control for sending an incoming-call notice to the home appliance (See col. 6 lines 1-10, 56-64).

Claim 24 is rejected for the same reasons as set forth in claim 11, as method.

Claim 36 is rejected for the same reasons as set forth in claim 11.

Regarding claims 4-5 and 8, Salazar & Grundvig & Mershon disclose as cited in claim 1. However, they do not mention that the connecting means to execute a connecting process in advance or upon arrival of the incoming call so as to enable fast transmission and reception of information to and from the home appliance, and the acquisition means to acquire the remote control signal in advance from the home appliance. Handshaking process comprising initialization and synchronization processes is a necessary and common process in establishing links in radio communication, wherein control data signal exchanging between both ends takes place in advance of the actual data transfer; therefore it should be necessary to establish such means as mentioned above at the handset, as disclosed by Salazar & Grundvig & Mershon, to perform the handshaking process in order to set up a proper and quality connection for exchanging information.

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Claims 17-18 and 21 are rejected for the same reasons as set forth in claims 4-5 and 8, as method.

Claims 29-30 and 33 are rejected for the same reasons as set forth in claims 4-5 and 8.

Regarding claim 6 and 12, Salazar & Grundvig & Mershon disclose as cited in claim 1 and 3. However, they do not mention that upon termination of the call, the connection means releases the connection with the home appliance and the control means executes a control action for resuming the audio output of the home appliance. Since Grundvig suggests that when the handset is not necessary in use (by detecting a parallel set is in an off-hook state), the connection means releases the connection with the home appliance and the control means executes a control action for resuming the audio output of the home appliance (See col. 5 lines 62-67, col. 7 lines 1-11, col. 9 lines 16-20), therefore it would be obvious to person skilled in the art to modify the handset as disclosed in claims 1 and 3, in accordance to the Grundvig's suggestions, when the handset is not in use upon termination of the call for the advantage of saving battery power of the handset as well as providing convenience to the user by eliminating actions taken by the user to restore the audio signal to its normal volume level.

Claims 19 and 25 are rejected for the same reasons as set forth in claims 6 and 12, as method.

Claims 31 and 37 are rejected for the same reasons as set forth in claim 6 and 12.

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Regarding claim 7, Salazar & Grundvig & Mershon disclose as cited in claim 1. Grundvig further teaches that the control means generates the remote control signal to a plurality of home appliances (See col. 8 lines 45-60).

Claim 20 is rejected for the same reasons as set forth in claim 7, as method.

Claim 32 is rejected for the same reasons as set forth in claim 7.

2. Claims 2, 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar et al. (5,802,467) in view of Grundvig et al. (6,061,435) and further in view of Mershon et al. (6,212,282) as applied to claim 1 above, and further in view of Hill et al. (6,470,189).

Regarding claim 2, Salazar & Grundvig & Mershon disclose as cited in claim 1. However, they do not mention that the radio communication is Bluetooth communication. Bluetooth communication is known in the art as disclosed by Hill (See figs. 2, 6 and col. 1 lines 15-26, col. 3 lines 24-39), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the handset device and the home appliance, as disclosed by Salazar & Grundvig & Mershon, utilized Bluetooth communication for the advantage of expanding the capability of the system to various types of communication protocols.

Claim 15 is rejected for the same reasons as set forth in claim 2, as method.

Claim 27 is rejected for the same reasons as set forth in claim 2.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Muterspaugh (4,418,427) discloses tuning system for a multi-band television receiver.
- Witkowski et al. (2002/0197955) discloses wireless communication system and method.
- Newlin et al. (5,636,211) discloses universal multimedia access device.
- JP 60241383 discloses portable TV receiver with voice signal transmitter.

Response to Arguments

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

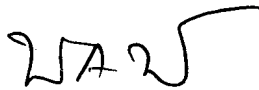
or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

AU 2682



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

